



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

# NORTH AMERICAN REVIEW

NOVEMBER, 1917

## THE SINNERS AND THE SIN

BY THE EDITOR

---

IT would be stultifying to profess or to assume surprise at the revelations which have been made of the atrocious crimes which Germany committed against this country at a time when peace and friendship ostensibly prevailed between us. Facts long ago established indisputably prepared us for them. What has just been made known, and what may hereafter be made known, concerning German lawlessness and savagery may add to the number but can scarcely increase the infamy of Hunnish deviltries. Indeed, the acts of the very first stage of the war, the violation of the Belgian treaty as a "scrap of paper," the destruction of Louvain, the rapes and murders of innocent civilians, the campaign of "frightfulness," were sufficient to dispel in advance astonishment at any hitherto inconceivable iniquity which Germany might commit.

Nevertheless it is well to have these revelations, and to note carefully and for remembrance their purport. For they fix responsibility for the most unfriendly and unlawful acts upon the very highest authorities. It can no longer be said that mischief was done and laws were broken by irresponsible plotters, or by minor officials without the knowledge or consent of their chiefs. The most distinguished personages are involved. The blood is upon the very steps of the imperial throne. It was not merely Boy-Ed or Rintelen or any such small fry that conspired against the peace and welfare of the United States. It was the German Ambassador at Washington, the direct representative of the Emperor, in co-operation with the Imperial Secretary of State for Foreign Affairs, who sought to bribe Congressmen, to subsidize news-

papers, to burn and blow up buildings, and to commit wholesale felonies against the common law of the land as well as against the international law of the world. It was Bernstorff and Zimmermann who did these things, and to pretend that they did so without the full knowledge and approval of the Emperor would be to insult intelligence.

It was in effect William of Hohenzollern who, long before there was so much as suspension of diplomatic relations between the two countries, directed his personal Ambassador to use this country as a base for hostile acts against a nation with which we were at peace. It was William of Hohenzollern who informed his Ambassador here of the names of disloyal Americans who could be used as his tools in the commission of crimes against this country, and who directed him to conduct a campaign of sabotage in the United States. It was to William of Hohenzollern that his Ambassador reported the name of a disloyal renegade American who could be used as a tool, and reported, also, that a vigorous campaign was being begun "to secure a majority in both Houses of Congress favorable to Germany," in behalf of which vast sums of money were solicited—William of Hohenzollern—and yet there are those who affect surprise and resentment at President Wilson's intimation that when the time comes to negotiate for peace, America would like to deal with some more trustworthy authority than that sceptered perjurer and murderer.

The fact is that these revelations, which are abhorrent and which but for their no less abhorrent antecedents would be astounding, are merely cumulative proofs that Germany, under the corrupt influence of the Hohenzollerns, has become an outlaw nation. We know of no law of God or man that she has hesitated to break whenever it stood in her way in this war. We know of no depth of hypocrisy or of treachery from which she has shrunk to serve her ends. It was the Emperor himself who, after honoring and decorating the men who had destroyed Louvain, murdered Edith Cavell and sunk the *Lusitania*, declared that he had wished "to carry on the war in a knightly manner." It was the Emperor himself who, after Germany in 1898 had furnished all desired arms and ammunition to the enemy of the United States, declared that he would not see the Ambassador of a country which furnished arms and ammunition to the enemies of Germany. It was the Emperor himself who said to

the American Ambassador, "America had better look out after the war . . . I shall stand no nonsense from America after the war." What would have been thought and what would have been said of American diplomatic manners if President Wilson had said such a thing to Count Bernstorff? It was the Emperor's official mouthpiece, the German Foreign Minister, who said to the American Ambassador, referring to the *Lusitania* case, "The United States does not dare to do anything against Germany, because we have five hundred thousand German reservists in America, who will rise in arms against your Government if your Government should dare to take any action against Germany." Suppose that, *mutatis mutandis*, the American Secretary of State had said that to the German Ambassador!

These things are unspeakably boorish, but they are something more. They are unmistakably indicative of the German purpose to disregard international comity and amity and law and equity whenever the German purpose is thus to be served. They proclaim unerringly her contempt for any power which she considers weaker than herself; her concept that a nation's conduct is determined not by what it ought to do but by what it dares or dares not to do. Such purposes and principles are those of a criminal. The unblushing profession of them and the persistent practice of them stamp Germany as an outlaw nation.

Or perhaps we should call her an outlaw empire, differentiating between the people and their rulers. It is true that the President's mere suggestion of such discrimination aroused a storm of resentment and abuse, and passionate assurances that the Emperor and the German people were one. If so, all the worse, infinitely worse, for the German people. But we cannot believe that it is so. It may be that in some way the damnable obsession of Hohenzollernism has transformed the Germany of Luther and Lessing and Richter and Goethe and Schiller and Humboldt and Heine into the Germany of William II and Bernhardt and Tirpitz and Bernstorff; it may be, but we cannot yet believe it. There must be in Germany a people not outlaw at the heart, a people capable of truth and faith and humanity; and we shall continue to hope, with the President, against all discouragements, for the revelation and self-assertion of such a people, who shall give us again a Germany with which civilized and self-respecting nations can fraternize.

To hope? Yes. But that, in sheer dismay we confess, is the extreme limit of what we can do. Day by day, as the damning records cumulate and find the light, our faith weakens. And we cannot ignore the testimony of those whose proximity and experience afford a basis of surer judgment. There is no longer a shadow of question in the mind and heart of any Belgian or French man or woman as to what *they* are "fighting for." At the beginning, it was in mere self defense, but that was long ago; now it is to kill the Beast. England was even slower to believe that Germany was really worse than the "bad neighbor" depicted by Lloyd George. But that time is past. Read what one of her most famous Generals says:

Let us clear our minds of cant; we are at war with the German people, from the "All Highest" to the lowliest of his subjects; we reciprocate the hatred of the whole nation by an equally cordial detestation of their repulsive methods in war and in peace; we recognize in them a nation of spies, from the Kaiser to the keller, from Von Bohlen to the barber, who have eaten our salt while planning our destruction; we abhor their substitution of expediency for honor in all their dealings; we detest them for their repudiation of the moral code of civilized nations and of the ethics of the Christian religion; we shudder with unspeakable disgust at the behavior of men, women and children toward our prisoners; we loathe the ghoulish glee with which they murder the victims of their submarines, the horrible abuse of the S. O. S. signal with which they lure the would-be savior to a watery grave, and the treachery with which they turn on their captors in the field after being accorded honorable and humane treatment as prisoners of war; and we regard with inexpressible horror the bestial outrages which they have committed in Belgium, in France and in East Africa. They have dedicated to us a Hymn of Hate; so be it; let them continue to hate us with "a lasting hate" as their diabolical hymn insistently screams to them to do. For our part, let us remember always that we are "at war with the German people," and that so long as this generation lives it will be an unpardonable insult to our gallant dead, and reckless treachery to the living, ever to allow another German to set foot upon our shores.

This is the voice of England, the unanimous voice; there is no doubt of it. So long as two years ago it began to be heard, but hesitatingly, reluctantly and despairingly; now it is clear, stern, unwavering and unmistakable. Not merely "No Peace," but "No Quarter" has become the battle cry of Britain; every week intensifies the demand for complete subjugation and subsequent ostracism; every month of continuing warfare spells years of succeeding distress and suffering for the millions surely of Prussia and probably of all

Germany except the more Christian South, from which, thank God, the bulk of immigrants to this country were drawn.

Here, too, at home, in tolerant and relatively untouched America, a dawning consciousness of the true situation, of the innate wickedness of a whole people, is giving birth to a new and deadly attitude. No one who has eyes to see and ears to hear can fail to sense the change. Execration is no longer visited upon the Kaiser alone; it is not even restricted to the treacherous Government, to the tyrannous ruling class or to autocracy as such; it is gradually comprehending the whole race. The very term *German* is becoming anathema. Repugnance at wrongdoing is giving way to abhorrence of wrong feeling. It is no longer the manifestations but the root of evil that chains attention and chills the soul. It is no more mere apprehension of peril to the Nation and disaster to the people, no more fears for democracy and human freedom; it is the spirit of God that is stirring the mighty Republic to its depths and soon, very soon, will burst into unquenchable flame.

Our Allies need have no fears of America. Daily, hourly, she is finding herself under an impulse of righteous wrath which no authority can control and no power can withstand. While the benighted Huns were scorning to "beware the fury of a patient man"—the most patient of men—our people were slow to realize, but the hour has struck. Never before was more plainly exemplified the solemn truth that—

Vice is a monster of so frightful mien  
As to be hated needs but to be seen.

Never before was the vision of a whole people clearer than that of America today. "Plenteous in mercy," as surely they were "slow to anger" they hope some time to be, but willing as they may become to forgive the sinners, they cannot in years or perhaps ever forget the sin.

## FOLLOW YOUR LEADER

THERE is no more significant feature of this country's relationship to the war than the change of tone and attitude of the President. We call attention to this, not by way of carping or of censure, but rather of commendation. No man

can be too great to change his mind; it is only little men who are too stubborn to do so. As to the charge of inconsistency, which many are thoughtlessly quick to make, remember that Emerson declared that consistency is something with which a great mind has nothing to do. Nobody dreams of condemning Jefferson because in the great crisis of the Louisiana negotiations he diametrically reversed himself on every essential principle of foreign policy. Rather is that performance imputed to him for statesmanlike fidelity.

In one of his most noteworthy utterances before America's entrance into the war, while he was yet hoping against hope that we could remain out of it and play the part of a peacemaker, the President said that there must be "peace without victory." Now, after six months of actual experience in the war, he is still more insistent that there must be "no peace without victory." It is a diametrical reversal, for which we are inclined to give him much more credit and praise than his critics gave him blame for the former of the utterances.

It is not an inconsistency; or if it is, we may dismiss it in Emerson's spirit. It is rather a development, an awakening, a recognition of facts and a rising to meet them; and it is only live beings that develop, only men with vision who awaken, only strong men who squarely meet formidable conditions. Doubtless the President was in error when he demanded "peace without victory." He himself would be the foremost to admit it. Let him who has been from the beginning free from error about the war cast the first stone. It may be that his present attitude will be misunderstood and his present utterance will be misinterpreted by some. But as surely as he was in error before, he is right now.

The lesson of the incident should be patent to all. A large proportion of this nation has erred at least as much as the President did, and with perhaps less excuse. It has ignored the fact that we are at war, or it has failed to act as those should who are engaged in the greatest war in human history. Even at this very moment some seem to have little or no realization of the tremendous magnitude of the task which we have in hand, of the transcendent issues which are at stake, of the need which there is that every American citizen, according to his capacity, shall without delay buckle down to the work of crushing the Hohenzollern Huns and making the world safe for democracy.

The blindness, the deafness, the indifference, which prevail among those of our people are almost beyond belief or understanding. It was said that the piratical air raids and baby-killings of the Huns were really a blessing to England, since they aroused the people to a realization of their peril, and aroused in them the fighting spirit, as nothing else could have done, or at any rate had done. We have often wondered if something of the sort is needed to arouse the American people, or a large part of them, to the perils and the duties of the hour.

We hope that nothing of the sort is necessary, and it is for the sake of helping in the fulfilment of that hope that we recall and re-emphasize the President's great change of view and tone. Let the Nation in that respect follow its leader. He has cast off lethargy; he has dismissed the futile academic hopes of making peace with the international mad dog. He has come to the full realization that we are at war, and most tremendously at war. If he can do that, the Nation can do and must do the same. Instead of "peace without victory" the President now gives us as the watchword, "Conquer or submit." That is the choice before the country, and to one of the alternatives every citizen should unequivocally commit himself, with all that it implies. If there are those who prefer to submit to the yoke of the Huns, let them say so. We shall know what to do with them. But every one who does not make that infamous choice is logically and morally bound to come out, openly, aggressively and unequivocally for conquering the Huns, with all that that also implies.

The President has spoken; let the people answer. The President leads the way; let the people follow their leader. No peace without victory; wherefore the only way to peace lies through our conquering of the Huns!

## THE CASE OF LA FOLLETTE

WHEN the Secretary of the Treasury declared, "with due deliberation," to the Bankers' Association of West Virginia on September 21 that "every pacifist speech in this country made at this inopportune and improper time is in effect traitorous," he voiced undoubtedly the feeling, if not perhaps the dispassionate judgment, of a vast number of



American people. We suspected at the time that he might have Dr. Charles W. Eliot in mind, but apparently the President Emeritus did not think so; at any rate he took no offense; else he would hardly have continued his senile maundering about peace confabs in the *Times* a fortnight later. So it remained for Senator Robert M. La Follette to take the reference to his own precious self and wallow in the implication. The hat fitted; on it went; let it stay!

So far we go, on general principles, with full justification from Mr. La Follette's consistently discreditable record, but there we stop. Because an utterance is "in effect" traitorous, it does not follow necessarily that the utterer is a traitor; he may be only a boob or a blatter. Nor should we permit a common impression to confuse our judgment upon a specific allegation. More particularly in a time of tense feeling than at any other does it behoove us to keep our heads on our shoulders and our feet on the ground, lest in our wrath, however righteous, we build precedents likely to crumble fundamentals and to plague posterity. We are in this mighty conflict now up to our ankles; before very long we shall be in it up to our necks and, necessarily and rightfully, as time goes on, we shall have to serve our cause and protect ourselves by killing traitors and hanging spies; but that does not mean that the world is coming to end (witness the peace preparations of Colonel House) or that the safeguarding of a Constitution which guarantees personal liberty and free speech will be less essential to progressive civilization fifty years hence than it is today. So let us use the branding iron relentlessly but sparingly, cautiously and dispassionately.

What, then, is the specific offense for which Senator La Follette has been summoned to appear before a committee of his colleagues? A public utterance, presumed to have been disloyal, delivered in St. Paul on September 20,—just this, nothing less and nothing more, recorded stenographically and reported to the Senate by Senator Robinson on October 6:

Now, fellow citizens, we are in the midst of a war. For my own part, I was not in favor of beginning the war. [Continued applause.] I didn't mean to say we had not suffered grievances. We had, at the hands of Germany, serious grievances; we had cause for complaining; they had interfered with the right of American citizens to travel upon the high seas on ships loaded with munitions for Great Britain. [Applause and yells.] And, gentlemen, I would not be understood as

saying we didn't have grievances; we did, and upon those grievances, which I have regarded as insufficient, considering the amount involved and the rights involved, which was the right to ship munitions to Great Britain with American passengers on board to secure a safe transit. [Laughter and applause.] We had a right, a technical right, to ship munitions, and the American citizens had a technical right to ride on those vessels. I was not in favor of riding on them [laughter] because it seemed to me when the consequences resulting from any destruction of life that might occur would be so awful, I say [a voice: "Yellow"]—any man who says that in an audience where he can conceal himself is yellow himself. [Cries: "Put him out."] I say this, that the comparatively small privilege of the right of an American citizen to ride on a munition-loaded ship flying a foreign flag is too small to involve this country in a loss of millions and hundreds of millions [sic] of lives. [Applause.]

And, fellow citizens, it behooves a nation to consider well before it enters upon a war of that sort how much it has got at stake. If all it has got at stake is the loans the house of Morgan makes to foreign Governments, and the profits that the munition makers will earn in shipping their products to foreign countries, then I think it ought to be weighed, not in a common hay scale, but in an apothecary's scale. [Applause.]

Ah! But somebody will tell you American rights are involved. What American rights? The right of some venturesome person to ride upon a munition-laden vessel in violation of an American statute that no vessel which carries explosives shall carry passengers. Four days before the *Lusitania* sailed President Wilson was warned in person by Secretary of State Bryan that the *Lusitania* had 6,000,000 rounds of ammunition on board, besides explosives, and that the passengers who proposed to sail on that vessel were sailing in violation of a statute of this country, that no passengers shall travel upon a railroad train or sail upon a vessel which carries dangerous explosives. [Applause.] And Mr. Bryan appealed to President Wilson to stop passengers from sailing upon the *Lusitania*. I am giving you some history that maybe has not come to you heretofore—the grievances that carry this country into the war, into a war the results of which, as to the loss of life and burdens, financial burdens, that shall be laid upon us can not be calculated by any mind.

Now this, in the midst of a war, was an outrageous declaration, teeming with false statements and wicked implications, but it is not the declaration which first evoked public condemnation. That was contained in the Associated Press report to the effect that the speaker said "We had no grievance,"—a quite contrary version, which proved to be incorrect and, in point of fact, was contradicted by inference in the same careless report which proceeded to recount "On these grievances, which were insignificant," as words subsequently spoken. It is safe and only fair to assume—indeed,

it is not now denied,—that the transcript presented by Senator Robinson is accurate.

What then? Senator La Follette was opposed to going to war because he did not consider our grievances sufficiently serious to warrant so momentous a step. Very well. Many others took the same view. It was wholly a question of degree. The President himself did not regard the sinking of the *Lusitania* as a *casus belli*, nor many more like outrages, until the climax was reached in the sinking of the *Sussex* and the defiance of Germany. Here we find no ground for complaint except as to the propriety of restating an opinion at a time when its reiteration was calculated to do harm to the National cause.

The “technical right” of Americans to traverse the high seas Senator La Follette admits, but the wisdom of doing so, from a practical standpoint, he questioned at the time, in common with many members of Congress and, so it was generally believed, with the Secretary of State. His only offense here is in repeating a statement for the apparent purpose of creating disaffection.

The adroit sneer at the Government for going to war to protect “the loans of the house of Morgan” is damnable, of course, but is so obviously false, demagogic and absurd as to be unworthy of consideration. So far as the “munition makers” are concerned, nobody knows better than Senator La Follette that their large profit-making disappeared the moment the United States came in and that, in consequence of the heavy demands of our own Government, there will be little left of their previous accumulations. In all this Mr. La Follette was characteristically disingenuous and insincere. His final assertion that Secretary Bryan warned the President that the *Lusitania* was to carry six million rounds of ammunition and “dangerous explosives, in violation of a statute of this country” is flatly denied by both the Secretary and the President. It seems strange that he should have published such a statement unless he believed it to be true, but thus far he has not submitted the grounds for his false impression. He did know, however, that the *Lusitania* did not carry explosives, in violation of a statute, because Secretary Lansing officially disproved that charge beyond question at the time. In this regard, therefore, Senator La Follette was wittingly and deliberately dishonest.

So far as the Senate inquiry is concerned, restricted as

it is to (1) ascertainment of what Senator La Follette really said at St. Paul and (2) whether his statements were false, this covers the case. That there is no ground for a charge of treason seems evident.

The only question is, Ought the Senate to purge itself by expelling La Follette from membership in that body to which he was re-elected by a very large majority, in the face of his frequently expressed opinions respecting the war? The popular demand that this be done is widespread and seems likely to become more and more insistent as time goes on. It was but natural that chagrined Minnesota should lead the way and that humiliated Wisconsin should promptly follow its neighbor, but perhaps the most significant call came from conservative Massachusetts. Upon the eve of the Republican State convention, the Boston *Evening Transcript* published conspicuously the following leading article:

"Treason must be made odious." Taking for his text "one of the best remembered sayings of one of the least remembered Presidents," Colonel George Harvey in the current number of THE NORTH AMERICAN REVIEW calls his countrymen to arms against the enemy at home. We reprint the editorial on the opposite page in the hope that it may come under the eyes of the Republicans who will assemble in their annual convention on Saturday at Springfield. It embodies the knowledge of the past, the courage in the present, the vision of the future, that have characterized the Colonel's course and comment in peace and war, in criticism and commendation, from the time he began his life-work in Springfield when it was very much less of a city than it is today. Whether they be agents of the enemy, his dupes or his friends, whether they flirt with treason or play with the fire of sedition, whether they stab in the back the flag's defenders by sneers at the cause in which the Nation has enlisted, whether they sow the seeds of distrust at home from seats in either House of Congress, from the platform or through the press, Colonel Harvey would have all "who give aid and comfort to the enemy" pilloried before the nation as enemies of the nation and dealt with accordingly.

On Saturday at Springfield the Republicans will not do their full bit toward the prosecution of the war unless they read out of the party all persons who are "not of whole heart and mind and strength committed to fight with us to make the world safe for democracy." Senator La Follette is not so committed. By his own words he has forfeited any right to a seat in the Republican caucus of the Senate. If the Republicans of Massachusetts do their full duty at the forthcoming convention they will adopt a resolution repudiating him as a Republican and calling upon the Republicans of the Senate to do likewise. Not to adopt such a resolution would be to advertise the convention as a political catchall for votes. Not to adopt such a resolution would be to say to the people of Massachusetts that the party puts

political expediency above patriotic obligation. Now is not the time for "pussyfooting"; it is the time for the sort of plain speech of which the editorial of Colonel Harvey is so stirring an example.

The response was prompt and emphatic, as shown by the adoption by unanimous vote of the following resolutions:

We Republicans of Massachusetts, in annual convention assembled, as loyal fellow-countrymen, forgetting party affiliations, hereby express our condemnation and record our censure of Robert M. La Follette as a Senator of the United States and as an individual for his attitude and public utterances in the matter of the world's war as of comfort to the common enemy, the Imperial German Government, and so of marked disloyalty to his country, the United States of America. Be it

Resolved, That we direct the clerk of this convention to transmit a copy of these to the Senate of the United States.

In our grim determination to win this war, as soon and as effectively as possible—in which holy cause our countrymen have pledged so much of precious blood and treasure—we recognize two classes of citizens and only two; those who are for us and those who are against us, and those who are not for us are against us.

We will support our Senators and Representatives in any effort they may make to drive out of Congress any who by word or act give aid and comfort to the enemy.

No "pussy-footing" here! Strong and exhilarating words, worthy of the old Bay State! And yet, strange under the circumstances as it may seem, we find ourselves unable to commend the course proposed. To impeach the accredited representative of a sovereign State is to take a step of utmost gravity, which ought surely to be avoided if in any other way the desired result can be obtained. True, during the civil war, Senators John C. Breckinridge and Waldo P. Johnson and Representatives Henry C. Burnett and John W. Reid were expelled from Congress, but each of the four had taken up arms against the Union and was in "open rebellion." The guilt of Senator Trusten Polk was equally plain, and unavoidable expulsion followed, but not even the fervid eloquence of Sumner could induce the Senate to repudiate Lazarus W. Powell or Benjamin Stark on mere charges of "disloyalty," despite the fact that, with respect to the latter, the Judiciary Committee held the allegation to have been proved. These are the only precedents that bear directly upon the case of La Follette and they clearly do not warrant the drastic action proposed.

There is yet another consideration. Frankly, detesting his conduct as we do, we do not believe that La Follette is

a traitor. We do not think he is even pro-German. He is simply pro-La Follette and the only "aid and comfort" he has in mind is to his own insane ambition to occupy the White House. To enable him to exploit himself as "a martyr" would serve only to encourage other specious demagogues to seek like notoriety. Better by far is the method employed by the patriotic bankers of Missouri in dealing with their own Senator Reed, whom they forbade to speak at their convention banquet and who, "after several speakers had made pointed remarks about the necessity of patriotism, walked about the lobby, alone and ignored."

The time may come when it will be necessary to deprive La Follette of official standing, but for the present let him be treated as any other pest. Because Wisconsin is the Badger State and was beguiled into sending to the Senate a two-legged specimen of the most detested species of the badger family, it does not follow that patriotic men should be bound by "Senatorial courtesy" to do more than hold their noses. And that ought to suffice. Selah!

## THE WAR REVENUE ACT

SOME newspapers have made the rather obvious discovery that there was a "joker" in the War Revenue Bill. Yet why consider this strange, in a game played with a "joker"? The fact is that legislation finally determined upon, as this was, *in camera*, by the Conference Committee of the House and Senate, almost necessarily will have its surprises. Yet the country may well congratulate itself that things are no worse; for had the Bill been passed by Congress in anything like the shape in which it came from either the House or the Senate, little could have been expected but a financial panic.

The whole history of this legislation ought to be an object lesson of the methods of legislation that still persist in Washington, for the "jokers" in this Bill are trivial compared with its fundamentally objectionable features.

In March last, despite all opposition, a Bill was passed by the Sixty-fourth Congress "To provide increased revenue to defray the expenses of increased appropriations for the Army and Navy," etc. It provided for a tax of eight per cent upon the amount by which the income of a corpora-

tion exceeded \$5,000 plus eight per cent upon its Invested Capital. But Invested Capital was thus defined:

That for the purpose of this title, actual capital invested means (1) actual cash paid in, (2) the actual cash value at the time of payment, of assets other than cash paid in, and (3) paid in or earned surplus and undivided profits used or employed in the business; but does not include money or other property borrowed by the corporation or partnership.

This was the production of Mr. Claude Kitchin, hailing from that great industrial and intellectual centre, Scotland Neck, North Carolina, who was then quoted as declaring that if war were to be prepared for by the United States the territory north of the Mason and Dixon line would have to pay for it—a patriotic attitude for the Southern pacifist.

Of course, any such definition of capital, where original Cost and not Value was to be the basis of the exemption and therefore largely determine the amount of tax, was indefensible in its discrimination. Yet the Bill passed the House in this form and went to the Senate. The Senate amended the Bill in many particulars, but was afterwards notified by the House that if the Bill was changed to the extent of crossing a “t” or dotting an “i” there would be no revenue legislation. Thereupon, the Senate yields, and the House Bill verbatim goes on the Statute Books.

Now the curtain rises on a new stage setting—the Sixty-fifth Congress.

Additional revenue had to be provided as the result of our declaration of war, and it was necessary to enact legislation in substitution for that of the Sixty-fourth Congress, and the play begins all over again.

A Bill is prepared by the Ways and Means Committee without meeting the approval of all of its members. Yet, on being reported to the House, it is jammed through practically without serious debate. The occasion was not unlike that historic meeting of the stockholders of the Metropolitan Traction Company in New York some years ago, presided over by the late Mr. Widener, who, irritated at a proposed discussion of the merits and demerits of a lease about to be voted upon, ruled, “Let the lease be voted for first, and then have the talk.” The new Bill was like the old Bill in its provisions for a flat rate of tax, now increased, on the income of corporations over a deduction of eight per cent on Invested Capital, which is defined as before, except that

the clause as to borrowed money was omitted and that the inclusion of trade-marks, good-will, etc., in Invested Capital was prohibited, unless they were specifically paid for in cash or tangible property.

The Bill comes to the Senate, where it is referred to the Finance Committee, which determined upon extended hearings. The Committee, after being enlightened by these hearings, made an elaborate report condemning the principle of taxation in the House Bill, and particularly as to the provisions concerning the exclusion of trade-marks, good-will, etc., from valuation. Its enlightenment, however, stopped there. For having heard that some other countries were taxing war profits, it forthwith seized upon this idea of taxation, and reported a Bill taxing war profits in an ascending scale, ultimately reaching a high percentage. To use its own words:

In general it proposes to make the basis of the tax the difference between the profits of the pre-war period and the profits of the taxable year. We take by taxation directly or indirectly for the purpose of taxation, a part of the extra gains which the war itself has caused.

But almost immediately the Senate considered it had come upon the discovery that the plan would not produce the requisite income, inasmuch as many large corporations might thereby escape substantial taxation. So, without further hearings, or any real attempt of justification of its course, the Senate turns the play into a variety show, performs the ingenious acrobatic feat of radically amending its own amendments, adopts the House definition of Invested Capital, which it had just condemned, and then by legerdemain proceeds to manufacture the war profits which the corporations themselves had failed to manufacture, after this fashion:

Suppose a corporation may have earned before the war \$250,000 on a capital of \$1,000,000, and only \$200,000 during the war period. Of course, there were no war profits, but war losses, so-to-speak. But the Senate Committee was agile in reply: "No, the pre-war profits as we declare them to be were only ten per cent on invested capital;" and, presto! war profits of \$100,000 appear. In this shape the Bill passes the Senate.

Thereupon the Excess Profits Bill of the House and the pretended War Profits Bill of the Senate go to Conference, where the wrangle goes merrily on behind closed doors be-



tween the Kitchin and Simmons adherents. While some uncharitable newspapers suggested that politics may have had to do with the peculiar evolution of the Bill, we scoff at such a thought. For when such an august body as Congress is under discussion, we are not tolerant even of

The shrug, the hum or ha, these petty brands  
Which calumny doth use.

During this time about the chief thing which is intimated by some newspapers concerning the legislation is that Mr. Kitchin, for his political advantage, is blocking the progress of the righteous Senate Bill. Yet the slightest investigation would have shown that whatever might be said about the two Bills—not comparatively by way of praise, but dispraise—less could be said in criticism of the House Bill than of the Senate Bill; for the House Bill at least was a Bill which meant what it said, while the Senate Bill only pretended to be what it was not. For to characterize the Senate Bill in its amended form as a War Profits Bill was farcical.

Then, after nearly six months of ill-spent time, the definition of Invested Capital was changed for the better, so that it is no longer determined by the Cost, but by the Value, of tangible property, and some grudging but wholly inadequate recognition is conceded to the value of patents, copyrights, trade-marks, trade brands, good-will, etc.

Yet the method of taxation to be adopted was clear beyond question, if double taxation was to be insisted upon. At least corporations should have been allowed an exemption on all values, and then a progressive tax imposed on excess profits. Such values would not have been difficult to arrive at, for the Government has already figured them in the Excise or Capitalization Tax, where the capital stock of corporations is taxed on the basis of the value of all corporate assets. Then, after the exemption, the progressive tax could have been imposed, and any amount raised to meet the needs of the Government, for the corporate income of this country is many times the amount secured in the Revenue Bill.

The fundamental misconception, however, in enacting this Law is that Congress persisted in taxing the corporation as the *octopus*. Yet the tax is nothing less than a progressive tax on individual income derived from corporate earnings. And when the residuum reaches the individual it is

subjected to still another progressive tax. It is double taxation with a vengeance, though, in equity, the income from corporations once taxed progressively should not be taxed again. There is no such double taxation in England—and there should be none here. There, all individual income, however derived, has time out of mind been taxed, and the additional tax is imposed only upon excess war profits of a war year over a selected pre-war year.

Then, too, think of the deliberate refusal of Congress to provide for the partial payment of the tax. One of the Senators, it is said, who proposed such a plan had the humiliation of securing its approval by only seven other Senators. What would be thought of a Government scheme of raising money through bond issues when all the money had to be paid at once?

There should be supplemental legislation immediately on the assembling of Congress in regular session. If it be impossible to relieve individuals of the unjust burden of a progressive tax on the residuum received by them out of corporate earnings—after such earnings have already been subjected to a progressive tax—at least, with an aroused public opinion, it is possible before any payments are called for under the Act to so change it that the tax can be made payable over a period of time; that in fixing the amount of exemptions to which corporations are entitled all values be taken into consideration; and that all “jokers” be eliminated.

## MUST WE GO TO JAIL?

THE Espionage Act approved by the President on June 15 provided that any publication “containing any matter advocating or urging treason, insurrection or forcible resistance to any law of the United States is hereby declared to be nonmailable.” Very good! “Treason,” as we reiterated last month, “must be made odious,” by all available means. But now comes a supplementary provision in the Trading with the Enemy Act, approved on October 6, to the effect that “it shall be unlawful for any person, firm, corporation, or association, to transport, carry, or otherwise publish or distribute any matter which is made nonmailable”

by the Espionage Act, under penalty of \$500 fine or of imprisonment for a year or of both.

What does this mean? Penalties can still be exacted, we suppose, only after convictions by courts of law, but it is within the province of the Postmaster General to pronounce a periodical "nonmailable" and to ruin it by stopping its publication and distribution pending appeal and trial. The *World* calls this "a species of lynch law," of which "the Postmaster General is judge, jury and executioner,"—an opinion shared apparently by Mr. Burleson himself, who spoke to the correspondent of the *Evening Post* as follows:

I realize that it is a great power, but I intend to be as conservative and as cautious as it is humanly possible to be. There isn't going to be any injustice done. No truly loyal American has anything to fear. And I want to state right now that the purpose of this legislation is not to prevent criticism of the Government or the Administration or the Post Office Department. It is not aimed against Socialist publications or any other kind of publications as a class. The newspapers can denounce me or the Administration all they like, and they can have such criticism circulated through the mails. But if we find newspapers preaching disloyalty, newspapers that are really German at heart and in secret sympathy with the German Government which we are fighting, newspapers which are trying to make the masses in this country believe that this is a capitalists' war and that the Government therefore ought not to be supported—those publications we intend to suppress with a firm hand. Because we are at war with the Imperial German Government. The country has declared war. Any one who deliberately sets afoot a propaganda to discourage support to the Government as against its enemies is doing a treasonable thing. We must win the war, and we cannot brook disloyalty at home.

That is to say, having "a giant's strength," he would not be "tyrannous" in using it,—a consoling reassurance no doubt, but hardly satisfying. Of course, we "cannot brook disloyalty at home" nor can we countenance "preaching disloyalty," but how precisely and with certainty to determine whether one is "really German *at heart*" or "in *secret* sympathy" with the enemy is past our imagining. However, following the Cabinet meeting, Mr. Burleson spoke more explicitly.

"We shall take great care not to let criticism which is personally or politically offensive to the Administration affect our action," he said. "But if newspapers go so far as to impugn the motives of the Government and thus encourage insubordination, they will be dealt with severely.

"For instance, papers may not say that the Government

is controlled by Wall Street or munition manufacturers, or any other special interests. Publications of any news calculated to urge the people to violate law would be considered grounds for drastic action. We will not tolerate campaigns against conscription, enlistments, sale of securities, or revenue collections. We will not permit the publication or circulation of anything hampering the war's prosecution or attacking improperly our Allies."

Mr. Burleson explained that the policy of the foreign language newspapers would be judged by their past utterances, and not by newly announced intentions.

"We have files of these papers, and whether we license them or not depends on our inspection of the files," he said. German language newspapers not licensed will be required to publish English translations.

Mr. Burleson said no Socialist paper would be barred from the mails unless it contained treasonable or seditious matter.

"The trouble," he added, "is that most Socialist papers do contain this matter."

Even the faithful Springfield *Republican* finds this disturbing,—and we cannot wonder. "If," it remarks, "Mr. Burleson is going to suppress all publications that venture to 'impugn the motives of the Government' he must in the end virtually suppress all hostile criticism of the Administration and destroy free speech in this country." And again, when the Socialist Milwaukee *Leader* was stopped because of its "general tone," the *Republican* declared somewhat brusquely:

The more newspapers of whatever character the Postmaster-General suppresses by denying them mailing privileges, the more depressed these earnest supporters of the war will be. There would be solid reassurance in this matter if the censorship powers could be practically vested by the President in a special body composed of men whose public reputation for broad and liberal views would guarantee the country against a use of the censorship narrowly bureaucratic or intolerant or stupid. The powers now being exercised by the postal authorities in censoring the press are immensely important and their bearing on the popular support of the war may prove incalculable. The President has placed some of our foremost citizens in other places of high responsibility which the war emergency created; why should not men of national reputation for judgment and insight be given control of the war censorship powers of the Post-Office Department?

Frankly, neither Postmaster-General Burleson nor any of his sub-

ordinates seems to measure up to the job. They do not command public confidence as men exercising such authority should command it.

Readers of this REVIEW need not be informed that, at the very outset of the war, we urged the establishment of a wise and capable censorship which should be wholly independent of the working departments and should form a valuable connecting link between President and people; but, this suggestion having been rejected, as between Messrs. Daniels and Baker, originally designated, and Mr. Burleson, now duly installed, we hesitate to express a preference. Upon the whole, we are disposed to lean tactfully towards the latter, for the quite practical reason that it is he who wields the axe. It is only a question of time when this REVIEW will be stopped and we shall be sent as far along the road to jail as the courts will permit: we perceive that plainly enough. Not that we shall say anything which could possibly be regarded as "personally or politically offensive to the Administration;" nothing like that; Heaven knows we are scrupulously and invariably polite, although frankly in view of prospective judgment upon "past utterances," we should feel relieved to be assured that certain back numbers of this journal have been mislaid. But when it comes to telling us that we must not express an opinion, if such we should happen to hold, respecting undue influencing of the Government by "Wall Street," by "munitions makers" or by "any other special interests," the betting will cease instantly. And when the Postmaster General notifies us, as quoted by the *Republican*, that "there is a limit"—for a public journal—"and that limit is reached when it begins to say that this Government got in the war wrong," we respond in kind that the limit is not even in sight. In point of fact—preserve us, good Lord!—this Government *did* get in the war wrong; it ought to have been better prepared. But we have never talked about that and would not now if we were not goaded to it. We hasten, nevertheless, to inform our prospective executioner that one Theodore Roosevelt has been making remarks along that line for some time and is aching to go somewhere, preferably to France, but why not to jail? He would make a glorious martyr.

The solemn truth is that this legislation, interjected surreptitiously as it was, is wicked, vicious, tyrannous and ought never to have been enacted. We beg merely in con-

clusion, and in friendliness, to suggest to the Postmaster General that he study carefully the First Amendment to the Constitution of the United States and reflect gravely upon the fate which befel John Adams when he undertook to impose *his* notion of sedition upon a nation of freemen jealous of their liberties and capable of maintaining them.

## THE PROBLEM OF OUR COLONEL

ONE day when our best beloved Colonel was striving vainly to enlist as a Major General he joined a small luncheon party, obviously somewhat out of temper. Some egregious ass had remarked sneeringly that Major Generals seldom got killed. To those present, none of whom needed to be told that a braver man never lived, the gratuitous insult appealed only as a jest, but perhaps it was only natural that the Colonel himself should have felt outraged. "The simple truth is," he declared vehemently, "that if I am permitted to go to France to fight for my country in any capacity, I haven't the slightest expectation of ever returning alive, not the slightest. Almost to a certainty I shall be killed." There was a moment of rather tense silence. Nobody doubted the sincerity of the Colonel's conviction and nobody liked to contemplate even the possibility of such a happening. Presently Mr. Root broke the spell. "Well, Theodore," the distinguished statesman remarked drily, "if you could convince the Administration of that, you probably would get your commission forthwith." "By George, I guess you're right," was the quick and emphatic response. So at least the story runs. We cannot, or rather do not, vouch for it; but clearly, whether true or not, regard for verisimilitude forbids that it should pass unrecorded.

If we are not mistaken, Colonel Henry Watterson, speaking in his accustomed role of guide, philosopher and friend of the President, announced firmly in advance that the Colonel's ambition could not be realized, because of the political inadvisability of creating military heroes who might aspire to higher things. That, however, was not our view. We felt, with the President, and so apparently felt the country, that our military participation should be along "precise and scientific" lines, for which Our Colonel's experience, creditable and honorable though it was, had left much to be

desired by way of equipment. Even so, it seemed possible for a time that, in consideration of his great official prestige and personal popularity, he might obtain his heart's patriotic desire. The stumbling block, we suspect, was his own truculence. Instead of humbly seeking, he was disposed to demand,—and that, of course, would never, never do. So primarily it was to his inability to forget that he himself was not still President that Our Colonel owed his disappointment. Then there was the very danger to which he referred, namely, that both himself and his motley assortment of Eastern sports and Western cowboys, might get shot up, to no particular purpose,—and he at any rate could ill be spared. Undoubtedly, therefore, the President's decision was both right and prudent.

Nevertheless, according to what the Hon. J. Ham. Lewis would call the eminent and able *Springfield Republican*, a new movement is afoot to achieve the original purpose. It seems that "conferences" have already been held somewhere in Agawam with a view to recruiting a special Roosevelt division "from New England alone;" that the Governors up there are "favorable to the plan and are working with Mr. Roosevelt and military men to further it;" that "opposition in Washington is said to be diminishing;" and that "men directly connected with the movement are optimistic of eventual success." Simultaneously our revered contemporary prints an excellent picture of the former and maybe future President in riding boots and spurs and the Colonel himself goes into training in a meadow patch in Connecticut adjacent to Senator Brandegee's nutmeg factory,—to reduce. Despite these favorable symptoms, however, we are less sanguine of even "eventual" success than those more intimately concerned. Not only has there arisen no particular change in the situation since the Colonel and the Secretary of War engaged in an epistolary competition but, as everybody knows, the most striking attribute of our present Administration is unchangeability of mind.

We doubt, too, whether Our Colonel is temperamentally capable of conforming to requisite requirements. Only a week before he sought seclusion in Connecticut he was harping away on "criminal unpreparedness," or words to that effect, and was pronouncing this "a very exclusive war as far as I am concerned, having been blackballed by the Committee on Admission." He derided the relative superiority

in might accorded by Mr. Bulwer Lytton to the pen over the sword,—although in truth clearer evidence of its correctness could hardly be afforded than by his present experience,—and he continued to appear, also as depicted by Mr. Bulwer Lytton, as—

The brilliant chief, irregularly great,  
Frank, haughty, rash,—the Rupert of debate.

So, after due consideration and painstaking reflection, we can hardly hope for the worst. Obviously Our Colonel is doomed to remain at home to write pieces for Messrs. Whitney and Whigham in New York and for Mr. and Mrs. Kirkwood in Kansas City.

It is, we feel, to rejoice. Mr. Roosevelt is our finest specimen of robust Americanism and, for the sake of the country, we would have him kept out of harm's way. If he could be more philosophical about it, we should be happier, because we do not like to think of Our Colonel with a grouch. But that, we fear, is too much to hope until he shall realize that he has about as much chance of making a dent in this Scotch-Irish Administration by denunciation as a gentleman has of winning the love of a lady by argument.

Far better surely to let fly as sharply and as frequently as may be at lafollettes, while scrupulously heeding the splendid admonition of our great American Cardinal Gibbons to "help our people to realize that they owe unswerving loyalty to the rulers whom they have elected to office," though not, of course, as he thoughtfully added, "in slavish manner," because true perspectives must be maintained and, if everybody should be as busy as Lord Northcliffe and as solemn as Mr. Tumulty, the whole United States would go crazy.

## WELCOME, COLONEL HOUSE!

The final announcement that Colonel Edward Mandell House, formerly of Texas but now of all creation, has been designated by the President to "gather data" for the use of representatives of the United States at some future peace conference is most gratifying. We know of no one better qualified by lifelong habits of patient industry and calm reflection for the undertaking, and the task itself is of a magnitude commensurate with the dignity of an Assistant-President. Truth to tell, we were growing so restive under



the mystic power of a silence which was becoming oppressive and an invisibility which was beginning to seem ominous that we should have ventured a humble but helpful suggestion long ago but for the extreme difficulty of defining a position which should convey the requisite honor without responsibility. Happily, the President himself, with characteristic insight, forethought and consideration, has solved the perplexing problem, to the satisfaction, we trust, of all concerned, not excepting the Central Powers.

It is with regret far from shallow, therefore, in view of the advantageous outcome of scholarly meditation, that the method of promulgation left much to be desired. The first intimation appeared, we believe, in the enterprising *Philadelphia Public Ledger* of September 27, under the caption "Colonel House Organizing U. S. Peace Activities" and, in the absence of the President from Washington, gave rise to no little perturbation in the traditionally and technically high official circles. In fact, according to the special correspondent of the *Evening Sun*, the report "was flatly denied at the State Department, Secretary Lansing, it was stated authoritatively, knowing nothing about it." Again, on October 3, the same correspondent recorded more explicitly that "on the day when the reports appeared Secretary Lansing declared that he had no information that they were true," that "on the day following he notified subordinate officials that he was physically indisposed and did not come to his office" and, in point of fact, remained away for a week, when he returned and attended "a particularly lengthy meeting" at the White House. Meanwhile, Colonel House, not the White House, breaking through his accustomed reticence, received a reporter of the *Times* in New York, confirmed the announcement and patiently outlined his plan and scope in detail. Coincidentally, and not unnaturally perhaps, it quickly became known, the British and French Ambassadors were being harassed with inquiring cablegrams from their respective Governments and the Prussian oligarchy was suspected of heralding to the German people a fresh "American Move for Peace," much to their own satisfaction and greatly to the discomfiture of the Allies at home and on the battlefields.

Clearly, it was not a happy circumstance, and we may readily believe that the President was "extremely annoyed," though why he should have been "particularly incensed over

reports that he had asked or would probably ask aid for Colonel House from Justice Brandeis, ex-President Taft and ex-Secretary Root" is less apparent. If the reference had been to ex-President Roosevelt, we could have—but never mind that. The point is that somebody permitted somebody else to make public prematurely an incomplete and misleading announcement which surely caused much perturbation and probably did no inconsiderable harm. Who that somebody was, we have no means of ascertaining and no inclination to surmise; but it ought not to happen again, and the mere fact that it did happen strikingly emphasizes the justification of our insistence that the constant dissemination of rumors upon the authority of anonymous "high officials" should cease and that all announcements of vital importance should emanate from a competent Department of Public Information. The present practice is playing with fire, nothing else and nothing less.